

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, AUGUST 15, 2006, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District
Robert A. Crump, Saluda District
Fred S. Crittenden, Pinetop District
Kenneth W. Williams, Pinetop District
Wayne Jessie, Sr., Jamaica District

Charles M. Culley, Jr., County Administrator
Marcia Jones, Assistant Administrator
Michael T. Soberick, County Attorney

CALL TO ORDER

Chairman Miller called the meeting to order at 7:30 P.M. and Mr. Crump gave a prayer. Mr. Culley led the group in the Pledge of Allegiance.

PUBLIC HEARING – SPECIAL EXCEPTION – 2006-08, RODNEY AND GAIL PAPE

Planning Director, Matthew Higgins, presented an application requesting approval for locating more than one (1) principle residential structure on an individual parcel of land for an immediate family member. The Pape's desire to add a double-wide manufactured home for use by an aging parent. This property is identified as Tax Map 30-5-1K, a 1.281 parcel of land. This special exception must meet the requirements of Section 15-20 of the Zoning Ordinance.

The Staff and Planning Commission recommended approval of the application with the following conditions:

1. The Health Department shall approve a permit for a new septic system or connection to an existing septic system prior to obtaining a Zoning and Building Permit.
2. The property owner shall remove one of the manufactured homes from the property within ninety (90) days of the discontinuance of use.

Mr. Miller opened the hearing for comments from the public. Gail Pape was present to answer any questions of the Board. Dan Downs addressed the Board and requested approval of the application. The motion to approve the application subject to the conditions recommended by the Planning Commission was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION 2006-09, VERIZON

Mr. Higgins presented the application received from Verizon Wireless requesting approval of a special exception request to add a public communications facility (cell

phone tower) at Tax Map 19E-1-147A, a 15.62 acre parcel just outside the Town of Urbana. The property owner, Malvern Hill Partners, would be leasing the proposed site to Verizon Wireless. Access to the site would be from Old Virginia Street via an old driveway to an abandoned single-family dwelling located on the property. The applicant conducted a "balloon test" which showed the proposed height and location of the tower. This property is in an area designated for transitional development commercial centers. According to Mr. Higgins, the proposed location has certain advantages that would make it more harmonious with the general vicinity than other towers recently considered. The tower is proposed for a location at an elevation fifty-(50) feet higher than Route 602 and other existing land uses in the general vicinity. Therefore, the tower would be outside of the general eye level of pedestrians or motorists. Also, because of the higher elevation, the tower itself can be lower, at 199 feet, than those recently approved. There is also a generous amount of existing natural tree cover. The Planning Commission issued the following conditions to their recommendation for approval:

1. Review and approval of the proposed tower by the Federal Aviation Administration.
2. The applicant shall provide opportunity for co-location of additional antennas and communication equipment by other telecommunications providers and potential users.
3. In the event that all communication use of the tower becomes inactive or ceases for a period of two (2) years or more, the tower shall be removed from the property. The applicant shall post a bond or other form of acceptable surety with the County to cover the cost of tower removal.
4. All existing vegetation located between the proposed use (tower, shelters and driveway) and Route 602 shall be maintained as a visual buffer for the proposed use.
5. Installation of the tower must begin within one (1) year of approval of the Board of Supervisors

Mr. Miller opened the hearing for comments from the public. Jennifer Rosen of Verizon Wireless was present to address any questions the Board may have. Ms. Rosen stated that the proposed location is the same site used for a temporary tower during the Oyster Festival. There being no further comments, the public portion of the hearing was closed. Mr. Crump asked if the tower would be lit. Ms. Rosen responded that it is not proposed to be lit, however it will be if required by the FAA. The motion to approve the application with the conditions recommended by the Planning Commission was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION 2006-10, DAVID AND ELIZABETH HUEGEL

Mr. Higgins presented the proposed application, a request for a contractor facility (cabinet making shop) to be located on Tax Map 18-65. This business would ultimately be a "rural home occupation" once a single-family dwelling is located on the property. The applicant would be the only person working on the property and proposes to move his current residence from Tax Map 18-63 to lot 65.

Mr. Higgins stated that the proposed land use would be harmonious with the surrounding area if the facility remains small in scale and an appropriate buffer is provided. The applicant has included a plat showing the location of the proposed structure, which would be constructed at least one hundred feet from the right of way located on the eastern side of Parcel 65. Mr. Higgins recommended that this area remain wooded to reduce any potential noise impact on the adjacent single-family dwelling and in addition recommended that outside storage of materials or equipment be prohibited on the property.

Mr. Miller opened the hearing for comments. Mr. and Mrs. Heugel were both present. Mr. Heugel stated that another option would be to vacate the property line between parcels 65 and 68, but they wished to maintain two separate parcels. Mr. Heugel stated that he does plan to construct a residence on the same property as the shop. There being no further comments, the public portion of the hearing was closed.

The motion to approve the application with the following conditions was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously:

1. All construction and use of the property shall match the plans submitted along with this application.
2. The outside storage of work materials and/or equipment shall be prohibited on the premises.
3. The maximum number of persons working in the facility shall be the property owner and two employees.
4. A 100' wooded buffer shall be maintained between the proposed contractor facility and the right-of-way located to the east of the property.
5. The applicant shall obtain a Zoning and Building Permit within one (1) year of approval.
6. The applicant shall obtain approval of the Health Department prior to obtaining a Zoning and Building Permit.
7. The maximum size of the facility shall be 1,000 square feet.

PUBLIC HEARING – ORDINANCE AMENDMENT APPLICATION 2006-05

Mr. Higgins presented an application submitted by the Planning Commission recommending amendment of Article 17A, Site Plan Review of the Middlesex County Zoning Ordinance and amendment of Article 5 of the Middlesex County Subdivision Ordinance. The purpose of the amendment is to clarify and eliminate duplication in the review procedures for major subdivisions as follows: (1) amending Article 5, Section 5-6 of the Subdivision Ordinance to require that all major subdivisions reviewed by the Planning Commission shall require a public hearing in accordance with Section 15.2-2204 of the Code of Virginia, as amended; (2) amending Article 5, Section 5-6 of the Subdivision Ordinance to require that community impact statements, traffic impact statements or other studies as necessary be submitted for major subdivisions; (3) eliminating major subdivisions from the list of major site plans found in Article 17A, Section 17A-5 of the Zoning Ordinance; and (4) clarifying that the submission and review requirements for major subdivisions are found in Article 5 of the Subdivision Ordinance.

Mr. Higgins stated that this amendment is an attempt to get all the requirements for major subdivisions into the subdivision ordinance rather than having them spread between the subdivision ordinance and the zoning ordinance.

Mr. Miller opened the hearing for comments from the public. John England, Chairman of the Planning Commission, commented that the Commission is trying to make the ordinances easier to work with. There being no further comments, the public portion of the hearing was closed. Mr. Crittenden questioned whether there was any change to the requirements. Mr. Higgins answered that there were no changes, it was just a change of location. The motion to approve the amendments as proposed was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

STREET NAME REQUESTS

The motion to approve a street name request of White Pine Lane for a private road located off of Twiggs Ferry Road, was made by Mr. Crump, seconded by Mr. Williams and carried unanimously. The motion to approve the name of Deer Lane off of Watson Landing Road was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. It was noted that the first choice name for this road, Laurel Lane, was too similar to other street names that begin with the name "Laurel".

PAYROLL

The motion to approve payroll for the month of August was made by Mr. Crump, seconded by Mr. Williams and carried unanimously. Checks numbered 55929 through 56000 totaling \$279,145.70 were distributed as approved.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. Checks numbered 55928 and 56001 through 56074 for \$59,896.51 were disbursed as approved.

OLD/NEW BUSINESS

Delinquent Tax List:

The motion to approve printing the list of delinquent taxpayers in the Southside Sentinel was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

County Tags:

Mr. Culley advised the Board that the Treasurer had consulted with the software companies that would have to make changes to the computer program and tax tickets for permanent decals and found that there was not enough time to implement the changes required for this tax billing. The Board could proceed with having the public hearing and adopting the ordinance with an implementation date of 2007.

Business Licenses:

Mr. Soberick indicated that he would review the ordinance to see what the next step was for people who were refusing to pay their business license tax.

LANDFILL ISSUES

Jenny Payne and Jason Young from Joyce Engineering had been invited to attend the meeting to answer questions the Board may have following a recent article in the newspaper about landfill issues. Joyce Engineering performs testing and reporting to the Department of Environmental Quality for all the localities with closed landfills that belong to the Virginia Peninsulas Public Service Authority. Ms. Payne reported that representatives from Joyce make quarterly inspections of the landfill, walking the entire property, and DEQ inspectors make an annual inspection, and there have never been any reports of contaminants oozing from the landfill.

Ms. Payne reported that one part per billion, a measurement often used to report contaminants is equal to one drop of water in an Olympic sized pool. Levels of mercury have exceeded the limit in two test wells near the old landfill shop. Levels of methylene chloride have been found in two additional wells that have been placed at the property line. Conditions in these wells have not worsened since 2004 and nothing has been found in a private well adjoining the property. Levels of contaminants in all the wells are getting better. Natural degradation and gas removal have helped to improve the conditions of ground water. Mercury is a naturally occurring element that has appeared in the Dragon Run and a product of acid rain. Levels of mercury in the Dragon Run are not any higher in the area near the landfill.

Board members noted that the County has done everything that the Department of Environmental Quality has asked and will continue to work with them on any issues at the closed landfill.

ADDITIONAL OLD/NEW BUSINESS

Broad Creek: Mr. Crittenden requested a status report on the request to dredge Broad Creek. Mr. Culley stated that the Army Corps of Engineer representative had asked for the names of people to contact in the Deltaville area that were experiencing problems with the channel. Mr. Crittenden requested that a meeting be coordinated between the Army Corps and Billy Norton in Deltaville.

Route 629: Board members requested an update from VDOT on the request for a study of the Healy's Mill Dam project.

School Projects: Mr. Crittenden reported that the School Board has rejected bids for the ball field project at the high school.

Donkey Basketball: Mr. Crittenden asked Mr. Higgins if there was any regulation regarding conducting a donkey basketball event. Mr. Higgins replied that because this would be a one-time event, there was nothing to prevent it.

Grass Cutting: Mr. Crittenden reported that the Johnson grass has gone to seed. When cut, this weed will be spread into the farm fields. The Highway Department needs to do a better job of timely spraying and mowing to prevent the weed from spreading.

ADJOURN

There being no further business, the meeting was adjourned by motion of Mr. Williams, seconded by Mr. Crump and carried unanimously.

John D. Miller, Jr., Chair
Board of Supervisors